

**REMARKS/ARGUMENTS**

Claims 1, 2, 7, and 53 are pending.

Claims 1, 2, 7, 22-24, 26, 38-49, and 51-55 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kitchin (US 7,130,904).

Claim 44 was rejected under 35 U.S.C. § 102(e) as being anticipated by Meier (US6,847,620 B1).

Claims 4, 5, 40-43, and 48-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitchin (7,130,904 B2) in view of Meier (US 6,847,620 B1).

Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitchin (7,130,904 B2) in view of Yuasa (6,085,238).

Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yuasa (6,085,238) in view of Meier ( US 6,847,620 B1).

Claims 45-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yuasa (6,085,238) in view of Meier ( US 6,847,620 B1) and further in view of Kitchin (US 7,130,904 B2).

**Claim Amendments**

Without conceding the merits of the claim rejections, all but claims 1, 2, 7, and 53 have been canceled in order to focus the discussion on the difference between the presently claimed invention and the art of record.

The remaining pending claims have not been substantively amended. It is earnestly believed that claims 1, 2, 7, and 53 as previously presented distinguish over the art of record.

**Section 102 Rejection of Independent Claims 1 and 7**

The present invention is directed to an access point device. A particularly distinctive aspect of the present invention is the processing that happens when a subscriber probe is received for a BSS that is not currently known at an access point; i.e., when the name of the BSS does not match the name of any BSS defined at the access point. Claim 1 as previously presented recites receiving an association request or a probe request, and in particular claim 1 recites in part:

:  
**determining for said request a basic service set (BSS) that is unknown to said access point device at the time of receipt of said request by said access point device;**  
receiving at least one parameter defining said BSS;  
**establishing said BSS based at least on said at least one parameter;** and  
sending a response to said end station that includes a BSSID of said established BSS. (emphasis added)

See also claim 7 as previously presented.

Kitchin was cited at column 4, lines 33-67, column 5, lines 1-10, and column 6, lines 16-47 for allegedly teaching this aspect of the present invention. Applicant respectfully disagrees.

The IEEE 802.11 standard specifies the ability for a wireless subscriber to probe an access point for a particular basic service set (BSS) by sending a **probe request** to the access point with the name of the BSS included in the probe request. The name is called a Service Set ID (SSID). If the access point recognizes the SSID, in other words, if the SSID *matches* the name of a BSS defined at the access point, then the access point responds with a **probe response** which includes parameters, or information, that defines the BSS. These parameters include the BSS's beacon interval, IBSS indicator and type of encryption it uses if any. If the probed SSID does not match the name of any BSS defined at the access point (i.e., the BSS is not defined at the access point), then the access point does not respond - the probe request is simply ignored.

Claims 1 and 7 describe a major departure from the standard 802.11 behavior that is neither taught by, nor obvious from, Kitchen. Claims 1 and 7 disclose creating a BSS at an access point as a result of receiving either a probe or association request containing an SSID that *does not match* the name of any BSS defined at the access point. In other words, where the standard 802.11 behavior is to ignore an unmatched BSS, the claimed invention establishes a BSS in response to an un-matched BSS name.

In this respect, Applicant submits that Kitchin does not deviate from the standard 802.11 behavior for an unmatched BSS name. The cited portions in Kitchen do not, implicitly or explicitly, deviate from the standard 802.11 access point behavior for handling 802.11 probe or association requests:

- 1) Col. 4, lines 33-67 discloses how an access point can provide different classes of wireless subscribers different access privileges to multiple wired communication networks. The section does not treat probe/association request handling at all.
- 2) Col. 5, lines 1-10 discloses associating multiple BSSs with a single access point. The section does not treat probe/association request handling at all.
- 3) Col. 6, lines 16-47 discloses each BSS defining a logical access point for a class of clients or subscribers where the BSS practices a security policy that ensures only authorized users have access to an associated wired communication network. Further, it discloses an access point transmitting multiple beacon signals, one for each BSS and ESS. The section does not treat probe/association request handling at all.

None of the above-cited portions of Kitchen describes what happens when a subscriber probes for a BSS that is not currently known at an access point, or in other words, when its name does not match the name of a BSS defined at the access point. The examiner is respectfully requested to reconsider the grounds for the Section 102 rejections of claims 1 and 7 based on the foregoing explanation.

Furthermore, Kitchen does not anticipate configuring an access point to receive parameters for a new BSS in response to getting, from a wireless subscriber, an 802.11 probe or association request with an SSID it does not recognize. In other words, Kitchen does not teach receiving a probe request with an unknown BSS name [unknown to the access point, that is] and in response, establishing that unknown BSS as recited in claim 1 (and similarly in claim 7):

:  
determining for said request a basic service set (BSS) that is unknown to said access point device at the time of receipt of said request by said access point device;  
receiving at least one parameter defining said BSS;  
**establishing said BSS based at least on said at least one parameter;** and  
sending a response to said end station that includes a BSSID of said established BSS. (emphasis added)

Such behavior does not logically follow from Kitchen, including column 6, lines 47-67 cited by the examiner:

- 1) Repeated examples are given in the specification of “how multiple wired communication networks may communicate with a wireless access point” (Col. 4, lines 22-32) and (Col. 5, lines 6-10). Further, each BSS has an associated wired communication network (Col. 6, lines 23-26, lines 35-39). To one skilled in the art, wired networks are static entities to which BSSs get mapped. Allowing a wireless subscriber to add a BSS would therefore be prohibited because doing so would amount to allowing any subscriber to add an

associated wired network or associated logical wired network, such as a VLAN, to the access point. But adding an associated wired network or associated VLAN is an activity performed by a network administrator, not a wireless subscriber, as one skilled in wireless networks knows.

- 2) A BSS might be added by a subscriber merely to facilitate communication among multiple wireless subscribers without any need whatsoever to communicate with a wired communication network. If Kitchen had anticipated an access point configured as described in Claims 1 and 7 then a BSS would not necessarily be associated with any (logical) wired communication network (Col. 6, lines 35-39).

Kitchin does not teach “establishing [a] BSS” that is unknown to the access point. Reconsideration of the Section 102 rejections of claim 1 and 7 in view of the foregoing discussion is respectfully requested.

Claim 1 recites:

:  
determining for said request a basic service set (BSS) that is unknown to said access point device at the time of receipt of said request by said access point device;  
**receiving at least one parameter defining said [unknown] BSS;**  
establishing said BSS based at least on said at least one parameter; and  
sending a response to said end station that includes a BSSID of said established BSS.

The examiner asserted that Kitchen teaches “receiving at least one parameter defining said BSS,” citing again column 6, lines 47-67 in connection with BSSID and ESSID. Applicant respectfully submits that the examiner misunderstands what Kitchen teaches.

Kitchen does not teach a parameterized access point, one that is capable of receiving and processing definitions of BSSs in response to requests for them initiated by wireless subscribers or clients. Kitchen merely teaches association of a class of subscribers to one of several BSSs that are already defined at a single access point. Kitchen does not teach nor suggest configuring an access point to receive parameters for an unknown BSS in response to receiving, from a subscriber, an 802.11 probe or association request.

As to claim 2, the examiner wrote:

*“Kitchen teaches the access point device, further configured to provision a plurality of separate LAN segment (read as distinct physical media, Col. 4 lines 4-6) while providing separate link privacy and integrity for each of said LAN segments (Col. 6, lines 16-26).”*

Column 4, lines 4-6 apply to different physical media coupled to the access point. Column 6, lines 16-26 discloses having different security policies for different logical BSSs. Respectfully, the examiner is believed to have erred. Neither cited portion anticipates an access point configured to provision a plurality of separate LAN segments, each of which is unknown to an access point until a wireless subscriber arrives, probes for it, and thereby creates it there.

As to claim 53, the examiner wrote:

*"Kitchen teaches the access point device of Claim 1 wherein said request includes an SSID (service set identifier), wherein said at least one parameter is based on said SSID (Col. 6, lines 47-67)."*

The cited portion of Kitchen discloses how a different beacon signal may be provided for each wired communication network that is accessible by the wireless access point. It does not teach nor suggest handling an association or probe request containing an SSID that does not match the name of any BSS defined at the access point. The cited portion does not mention explicitly or even allude to the access point handling any sort of probe or association request, much less handling such a request with an SSID that the access point does not recognize.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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